

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPT.  
CIVIL ACTION NO.# MICV2003-2512

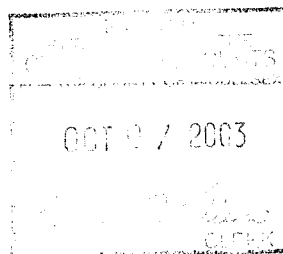
CROWN CASTLE ATLANTIC LLC

Plaintiff

vs.

GUY A. MCKAY AND  
SHERYLL MCKAY

Defendants



**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Crown Castle Atlantic LLC ("Crown") moves the Court pursuant to Rule 56 to enter summary judgment in its favor on Count I of the Complaint, charging the defendants Guy A. and Sheryll McKay (the "McKays") with breach of contract. As grounds supporting the motion, the Plaintiff offers the following:

1. Crown has the right under a valid lease ("Lease") with the McKays to install underground landline telephone wires and upgrade its technology on the McKays' property.
2. Verizon New England ("Verizon"), the local landline telephone company, requires landowners to execute its standard Easement Agreement ("Easement Agreement") before it will perform an installation.
3. The Lease requires the McKays to execute the Easement Agreement for Crown to exercise its rights to install telephone lines and upgrade its technology.
4. The McKays have refused, and continue to refuse to execute the Easement Agreement, which constitutes a breach of contract.
5. Crown is entitled to specific performance because of its unique interest in land for which there is no adequate remedy at law. Requiring the McKays to sign the Easement Agreement and allowing fiber optic telephone lines to be installed in an existing conduit will not give Crown an inequitable advantage or cause the McKays any undue hardship.

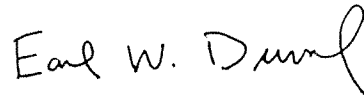
In support of its motion, Crown refers the Court to the following documents attached as exhibits hereto:

- A. Statement of Facts and Law in Support of Plaintiff's Motion For Summary Judgment Pursuant to Rule 9(A)(b)(5);
- B. Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment;
- C. Affidavit of Jeffrey Barbadora, District Manager for Crown's Northeast Area-New England and Exhibits; and
- D. Affidavit of Attorney Earl W. Duval and Exhibits.

WHEREFORE, the Plaintiff respectfully requests that the Court grant this motion and enter judgment against the Defendant as demanded in its Complaint.

**The Plaintiff, Crown Castle Atlantic LLC respectfully requests that this court schedule a hearing on this Motion for Summary Judgment.**

Respectfully Submitted,  
Crown Castle Atlantic LLC  
by its Attorneys,



Earl W. Duval, Jr.  
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